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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,315	07/30/2003	Mark D. Chuey	LEAR 04077 PUS / 04077	9100
34007	7590	06/06/2006	EXAMINER	
BROOKS KUSHMAN P.C. / LEAR CORPORATION 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075-1238			SHIMIZU, MATSUICHIRO	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/630,315	CHUEY, MARK D.	
	Examiner	Art Unit	
	Matsuichiro Shimizu	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-20 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5,8-20 and 24-28 is/are allowed.
- 6) ☒ Claim(s) 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/16/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

The examiner acknowledges canceled claims 6-7, 21-22 and 29-33, currently amended claims 1, 8, 15, 23.

The examiner withdraws the objection to original claim 23 in view of new grounds of rejection.

Therefore, rejection of claims 23 follows:

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inomata et al. (5,473,317) in view of Verzulli (6,344,817) and King (20020067826).

Regarding claim 23, Inomata teaches programmable remote control associated with remotely activating an appliance (Fig. 4, programmable remote control unit 21; appliances 13, 15, 17) comprising:

positioning a sensor proximate (Fig. 4, status detector 35) to the appliance; transmitting activation signals (Fig. 4, optical command signal 9);

receiving sensor signal from appliance the status (Fig. 4, status detector 35); a user interface (col. 4, lines 33–35, interface associated with key); and the control logic storing data into the memory (Fig. 5, remote control is programmed with correct set of commands in the memory for subsequent control).

But Inomata is silent on

transmitting a sequence of different activation signals and determining which of the plurality of radio frequency activation schemes based on sensor signal, and transmitter controls to generate activation signal in at least a portion of the sequence of activation signals in an order based on plurality of radio frequency activation schemes.

However, Verzulli teaches, in the art of remote control system, transmitting a sequence of different activation signals and determining which of the plurality of IR activation schemes provide activation of specific appliance (col. 5, lines 26–35 and 41–45, seek–stop by the user) wherein the control logic controls the transmitter to transmit at least a portion of the sequence of activation signals in an order based on plurality of ir activation schemes (col. 5, lines 26–35 and 41–45, a portion of activation signals associated with seek–stop by the user wherein the remote stores a plurality of appliances' (M/M) signals) for the purpose of providing control of many different electronic devices.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include transmitting a sequence of different activation signals and determining which of the plurality of ir activation schemes provide activation of specific appliance wherein the control logic controls the transmitter to transmit at least a portion of the sequence of activation signals in an order based on plurality of ir activation schemes in the device of Inomata because Inomata suggests receiving sensor signal from appliance the activation status and Verzulli teaches transmitting a sequence of different activation signals and determining which of the plurality of activation schemes provide activation of specific appliance wherein the control logic controls the transmitter to transmit at least a portion of the sequence of activation signals in an order based on plurality of ir activation schemes for the purpose of providing control of many different electronic devices.

Likewise, King teaches, in the art of remote control system, RF transmitter (Fig. 1, trainable transmitter 12 with antenna 38) for the purpose of providing long-range communication. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include RF transmitter in the device of Inomata because Inomata suggests IR transmitter and King teaches RF transmitter for the purpose of providing long-range communication.

Allowable Subject Matter

Amended claims 1-4, 8-20 and 24-28 are allowed since they include previously objected dependent claims 7-8 and 22.

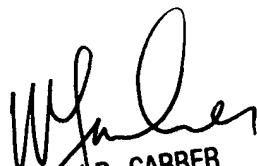
Art Unit: 2635

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is 571-272-3066. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3068.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu
May 9, 2006



WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600